UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,893	02/26/2002	Lei Cheng	ITL.0700US (P13936)	2799

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EXAMINER
VO, TIM T

ART UNIT	PAPER NUMBER
2112	

DATE MAILED: 11/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/082,893	CHENG, LEI
	Examiner	Art Unit	
	Tim T. Vo	2112	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*19 August 2005*</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 7-05)   Office Action Summary   Part of Paper No./Mail Date 20051102

Part III DETAILED ACTION

Notice to Applicant(s)

This application has been examined. Claims 1-30 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action: A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-30 are rejected under 35 U.S.C. § **102(e)** as being anticipated by Davis et al. patent number 6,324,609 referred hereinafter "Davis".

As for claims 1, 11, 21 and 26, Davis teaches A method and apparatus comprising: transferring data from a host memory to an Ethernet device (see figures 1, 7 and column 1 lines 30-32 and column 14 line 27 to column 15 line 25, wherein the host processor 3 sends out a Type 1 configuration to bridge 29 to find all devices connecting to the secondary bus 15 to load software drivers to control these devices); and processing the data without sending the data from the host memory to an embedded memory associated with an adapter that includes the Ethernet device (see column 14 line 27 to column 15 line 25, wherein bridge 29 includes the I/O processor 5 processes

the Type 1 configuration by converting to the Type 0 configuration as discloses in figure 7).

As for claims 2-4, 12-14, 22 and 27, Davis teaches including forming protocol headers in the embedded memory (see column 5 line 44 to column 6 line 5 and table 1).

As for claims 5 and 15, Davis teaches computing checksums in firmware and in the Ethernet device (see column 13 lines 65-67).

As for claims 6-9, 16-19, 23-25 and 28-30, Davis teaches determining whether data in said host memory is larger than an Ethernet maximum transmit unit (see column 15 line 25 to column 16 line 17).

As for claims 10 and 20, Davis teaches detecting the address of an access request from an Ethernet device and routing said request to the host memory or embedded memory based on the address (see column 16 lines 63-67).

Response to Arguments

1.   Applicant's arguments filed 08/19/2005 have been fully considered but they are not persuasive.

2.   In response to the applicant's arguments that Davis does not teach transferring

data from a host memory to an Ethernet device. Column 1 lines 27-38, Davis clearly

teaches drivers are loaded into the memory of the host processor and address space

must be allocated to those devices connecting to the PCI bus. Further, an example

provided in column 1 lines 39-50, Davis teaches the host processor sending Type 1

command to the bridge to find out all devices are connecting to the PCI bus so it can

load drivers to these devices. These facts anticipate what is claimed i.e. the host

processor included a host memory for storing device drivers and the device driver is

being loaded to those devices that are connecting to the PCI bus. Further, column 14

lines 27 to column 15 line 25 describe the configuration for loading device drivers to the

devices connecting to the PCI bus. Devices are connecting to the PCI bus 15 from

figure 1 of Davis are considered as Ethernet device as claimed because this teaching is

equivalent to the applicant's specification as shown in figure 1, wherein Ethernet device

is connecting to the PCI bus 28.

3.   In response to the applicant's arguments that Davis does not discuss any

embedded memory of an Ethernet device. This argument is moot because it is not in

the claimed invention. Claim 1, claimed "...an embedded memory associated with an

adapter that includes the Ethernet device". This phrase does not indicate there is an

embedded memory of an Ethernet device as applicant argues. The claimed invention

claimed an embedded memory associated with an adapter that includes the Ethernet

device. Figure 2, Davis discloses local memory 25 is an embedded memory which

associated with secondary PCI interface 35 and PCI devices connecting to the

secondary PCI bus 15. This teaching is equivalent to what is claimed and it is also corresponds to the figure 1 of the current invention.

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim T. Vo whose telephone number is 571-272-3642. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on 571-272-3672. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

11/2/05

Tim T. Vo
Primary Examiner
Art Unit 2112